

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSHUA LARK,

Petitioner,

v.

TOM CAREY, Warden,

Respondents.

NO. CIV S-05-0664 DFL GGH P

ORDER

On August 9, 2005, Respondents filed a request for an extension of time to file an opposition to Petitioner's Motion for Summary Judgment.

Good cause appearing, Respondents' request is granted. If Respondents' pending motion to dismiss is granted, the motion for summary judgment will be moot, and, therefore, Respondents will not need to file an opposition.

If the Court ultimately denies Respondents' motion to dismiss, the Court's will indicate whether Respondents should file only an Answer to the Petition for Writ of Habeas Corpus, or whether they should also file an opposition to the motion for summary judgment. Respondents will be given 30 days from that Order to file the appropriate response.

DATED: 8/16/05

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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[Proposed Order]